



3. Because Defendant conducts business in North Carolina, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

### **PARTIES**

5. Plaintiff is a natural person residing in Nebo, McDowell County, North Carolina.
6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant is a collection agency with a business office in Marietta, Cobb County, Georgia.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

9. Defendant places calls to Plaintiff seeking and demanding payment of a debt he allegedly owed for a DirectTV bill from numerous years ago.
10. Beginning in January 2011, Defendant calls Plaintiff up to three times per day, every day, up to four times per week. Defendant calls on both weekends and weekdays.
11. Defendant calls Plaintiff at his home at 828-777-0399 from 866-451-5825.
12. On some occasions, Defendant hangs up on Plaintiff when he answers.
13. During one telephone conversation with Plaintiff, Defendant called Plaintiff a “liar.”

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which is to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d (5) of the FDCPA by causing a telephone to ring with intent to annoy, abuse, or harass Plaintiff in connection with the collection of an alleged debt.
- c. Defendant violated §1692d(6) of the FDCPA by failing to provide meaningful disclosure of the caller's identity because Defendant does not state the name of the company calling.

Wherefore, Plaintiff, KENNETH BUCKNER, respectfully requests judgment be entered against Defendant, FOCUS RECEIVABLES MANAGEMENT, LLC, for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff, KENNETH BUCKNER, demands a jury trial in this cause of action.

Dated: March 23, 2011

RESPECTFULLY SUBMITTED,

By: /s/ Christopher D. Lane, Esq.

Christopher D. Lane, Esq.

NC Bar ID # 20302

**LOCAL COUNSEL FOR  
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KENNETH BUCKNER

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF NORTH CAROLINA

Plaintiff, KENNETH BUCKNER, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, KENNETH BUCKNER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3-7-11  
Date

Kenneth Buckner  
KENNETH BUCKNER